

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,
et al.,

(Jointly Administered)

Debtors.¹

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3566-LTS

THE EMPLOYEES RETIREMENT SYSTEM
OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO,

Debtor.

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ORDER SETTING DISCOVERY AND BRIEFING SCHEDULE IN CONNECTION WITH
MOTION OF CERTAIN CREDITORS OF EMPLOYEES RETIREMENT SYSTEM OF
GOVERNMENT OF COMMONWEALTH OF PUERTO RICO FOR RELIEF FROM AUTOMATIC STAY

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

This matter is before the Court on opposing motions proposing litigation schedules related to the *Motion of Certain Secured Creditors of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico for Relief from the Automatic Stay* (Docket Entry No. 289,² the “ERS Lift Stay Motion”). Movants³ and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) have provided the Court with dueling schedules, where they have agreed on the events which need to occur before a final hearing on the ERS Lift Stay Motion but disagree as to the applicable timeline. (See Docket Entry Nos. 388 and 389).

The Court has considered carefully the provisions of 11 U.S.C. § 362(e)(1) regarding the prompt disposition of motions for relief from the automatic stay. In light of the complexity of the issues, and the need for adequate time for discovery and related litigation, the Court finds that compelling circumstances require that the Court extend the final hearing date to May 21, 2019. (See 11 U.S.C. § 362(e)(1) (providing that the timing of a final hearing may be extended “with the consent of the parties in interest or for a specific time which the court finds is required by compelling circumstances.”).) Accordingly, the Court sets the following schedule for the ERS Lift Stay Motion:

1. **March 15, 2019:** Deadline for completion of exchange of documents and exchange of privilege logs with respect to non-ESI production.
2. **March 18, 2019:** Meet and confer on outstanding discovery issues.
3. **March 21, 2019 at 3:00 p.m. (Atlantic Standard Time):** Deadline for first round of motions to compel.
4. **March 25, 2019 at 3:00 p.m. (Atlantic Standard Time):** Deadline for oppositions.
5. **March 27, 2019 at 3:00 p.m. (Atlantic Standard Time):** Deadline for replies.

² Unless otherwise noted, docket references will refer to case 17-BK-3566.

³ As defined in Docket No. 389.

6. **April 1, 2019 at 2:30 p.m. (Atlantic Standard Time) in Boston, MA:** Hearing before Judge Dein on first round of motions to compel.
7. **April 10, 2019:** Deadline of service of supplemental privilege logs, if so ordered.
8. **April 10, 2019:** Deadline for completion of supplemental document productions, if so ordered.
9. **April 12, 2019:** Meet and confer on outstanding discovery issues.
10. **April 15, 2019 at 3:00 p.m. (Atlantic Standard Time):** Deadline for second round of motions to compel.
11. **April 18 at 3:00 p.m. (Atlantic Standard Time):** Deadline for oppositions.
12. **April 22 at 12:00 p.m. (Atlantic Standard Time):** Deadline for replies.
13. **April 24, 2019 at 2:00 p.m. (Atlantic Standard Time) in San Juan, Puerto Rico:** Hearing before Judge Dein on second round of motions to compel.
14. **April 30, 2019:** Deadline for completion of additional document productions, including ESI, and service of supplemental privilege logs, if so ordered.
15. **May 7, 2019:** Deadline for completion of depositions.
16. **May 13, 2019 at 3:00 p.m. (Atlantic Standard Time):** Deadline for filing supplemental briefs and declarations in support.
17. **May 15, 2019 at 3:00 p.m. (Atlantic Standard Time):** Deadline for each party to file a list of declarations and exhibits it plans to introduce as its principal case.
18. **May 16, 2019 at 3:00 p.m. (Atlantic Standard Time):** Deadline for reply briefs, objections to declarations and exhibits, and designation of witnesses for cross-examination, including anticipated timing and topics.
19. **May 17, 2019 at 3:00 p.m. (Atlantic Standard Time):** Deadline for filing of compilations of listed declarations and exhibits and providing of copies to Judge Swain in New York.
20. **May 21, 2019 at 10:00 a.m. (Atlantic Standard Time) in New York:** Final Hearing before Judge Swain.

Additionally, the Official Committee of Retired Employees of Puerto Rico and the Official Committee of Unsecured Creditors of all Title III Debtors (other than COFINA) may

participate in the litigation “by (i) filing any briefs on the same schedule as the Oversight Board, (ii) being heard at any hearing(s), (iii) receiving copies of all documents and information served in discovery, and (iv) attending all depositions.” (Docket Entry No. 388 at ¶ 9).

Consistent with the parties’ so-ordered stipulation, the automatic stay will remain in place at least until the Title III Court makes a final ruling on the ERS Lift Stay Motion. (See Docket Entry No. 380.)

SO ORDERED.

Dated: March 15, 2019

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge